

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.1)

O.A. No. 95 of 2023

Ex Gnr (DMT) Manpreet Singh **Applicant**
By Legal Practitioner for the Applicant : Shri Ashok Kumar, Advocate.
: Shri Vikash Singh Chauhan, Advocate.
Versus
Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Shri Shailendra Sharma Atal, Advocate filed on behalf of the respondents is taken on record. Registry is directed to show his name as counsel for the respondents when the case is listed next.</p> <p>Heard Shri Vikas Singh Chauhan, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, Ld. Counsel for the respondents.</p> <p>The matter pertains to discharge. It is a fit case for adjudication.</p> <p>Admit.</p> <p>Ld. Counsel for the respondents seeks and is allowed four weeks' time to file Counter Affidavit. Rejoinder Affidavit, if any, may be filed within two weeks thereafter.</p> <p>List this case on 20.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.2)

O.A. No. 97 of 2023

Sub Maj Ajad Singh

By Legal Practitioner for the Applicant : Shri KK Misra, Advocate.

Applicant

:

Versus

Union of India & Others

By Legal Practitioner for Respondents : Shri Shailendra Sharma Atal, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>Memo of appearance filed by Shri Shailendra Sharma Atal, Advocate filed on behalf of the respondents is taken on record. Registry is directed to show his name as counsel for the respondents when the case is listed next</p> <p>On the case being taken up for hearing Shri KK Misra, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the applicant submits that notice be issued to respondent No 4 to which learned counsel for the respondents has no objection.</p> <p>Registry is directed to issue notice to respondent No 4 by Registered Post returnable by the date fixed. It is clarified that respondent No 4 is not required to appear in the Court personally. He can submit his written reply through his representative.</p> <p>List on 16.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.3)

M.A. No. 91 of 2023 with M.A. No. 92 of 2023
Inre: O.A. No. 379 of 2020

Union of India & Others **Applicant**
By Legal Practitioner for the Applicant : Shri Yogesh Kesarwani, Advocate.

:
:
Versus

Ex Sigmn Rohitash Gurjar **Respondents**
By Legal Practitioner for Respondents : Shri KK Singh Bisht, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p style="text-align: center;"><u>M. A. No. 91 of 2023</u></p> <p>Heard Shri Yogesh Kesarwani, Ld. Counsel for the applicants/respondent.</p> <p>This is an application for condonation of delay in moving the application under section 31 of the Armed Forces Tribunal Act 2007 for grant of leave to appeal against the judgment and order dated 28.03.2022, passed in O.A. No. 379 of 2020</p> <p>This application has been filed by the applicant after a period of limitation. As per stamp reporter's report, there is delay of 08 months and 24 days in filing the application for leave to appeal. Apart from it, we have also gone through the grounds and reasons indicated in the affidavit filed in support of the application. In our considered opinion, the grounds urged in support of the prayer for condoning the delay are general in nature and do not appear to be germane in view of the law laid down by the Hon'ble Supreme Court in Office of the Chief Post Master General and others vs Living Media India Ltd and another reported in 2012 STPL (LE) 46200 SC in which the Hon'ble Supreme Court has observed as under:</p> <p style="text-align: center;"><i>“Condonation of delay is an exception and should not be used as an anticipated benefit for government departments” and since “the claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.”</i></p>

The Hon'ble Supreme Court further observed as under:

"Since the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitationThey cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings".

In view of the decision of the Hon'ble Supreme Court in the aforesaid case and also delay being more than 08 months, the application for condonation of delay cannot be entertained and it is hereby **rejected**.

M.A. No 92 of 2023

This is an application for grant of leave to appeal, having been moved by the petitioner after 08 months and 24 days. Since the application for condonation of delay in moving this application has been rejected, in consequence thereof, this application is also liable to be rejected.

Even otherwise also, we do not find any point of law of general public importance involved in the decision so as to grant leave to appeal. Accordingly, this application is also **rejected**.

(Maj Gen Sanjay Singh)
Member (A)

(Justice Ravindra Nath Kakkar)
Member (J)

Ukt/-

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.4)

EX-A No. 87 of 2021 alongwith R.A. No. 35 of 2022
(decided) Inre: O.A. No. 296 of 2021

Ex Spr Rashpal Singh

Applicant

By Legal Practitioner for the Applicant : Shri Ashok Singh, Advocate.

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Rajeev Narayan Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vikash Singh Chauhan, holding brief of Shri Ashok Singh, Ld. Counsel for the applicant and Shri Rajeev Narayan Pandey, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents submits that statutory period of six months have been elapsed and statutory complaint of the applicant has not been decided by the respondents. As per rule, applicant can approach this tribunal and file O.A.</p> <p>On the other hand, learned counsel for the applicant submits that directions be given to respondents to decide his statutory complaint immediately.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' time to comply the order and file compliance report.</p> <p>List on 02.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.5)

EX- A No. 297 of 2022 Inre: O.A. No. 879 of 2021

Ex L/Nk Govind Pethe **Applicant**
By Legal Practitioner for the Applicant : Wg Cdr Ajit Kakkar (Retd), Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Ms. Appoli Srivastava, Ld. Counsel for the respondents is present.</p> <p>No one is present on behalf of the respondents.</p> <p>Learned counsel for the respondents submits that compliance of the order is in process. She prays for and is granted four weeks' time to file compliance report.</p> <p>List on 06.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.6)

EX- A No. 381 of 2022 Inre: O.A. No. 327 of 2021

Smt. Kanti Devi, W/O Late
Ex Hav Suresh Singh

Applicant

By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate.

:
Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Shailendra Sharma Atal, Advocate
Mohd. Zafar Khan, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Shri Shailendra Sharma Atal, Ld. Counsel for the respondents for respondent No 1 to 3 and Mohd. Zafar Khan, for respondent No 4 and 5 are present.</p> <p>Mohd. Zafar Khan submits that he shall file memo of appearance on behalf of respondent No 4 and 5 by the next date fixed.</p> <p>List on 24.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

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Court No.2 (Sl. No.7)

O.A. No. 18 of 2022

Gnr (Chef Mess)
Kumarul Hossain

Applicant

By Legal Practitioner for the Applicant : Ms. Madhulika Yadav, Advocate.

:

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Shailendra Sharma Atal, Ld. Counsel for the respondents is present.</p> <p>No one is present on behalf of the applicant.</p> <p>In spite of availing several opportunities, neither applicant has filed rejoinder affidavit nor he is present in the Court. His opportunity to file rejoinder affidavit is closed.</p> <p>List on 14.03.2023 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.8)

O.A. No. 113 of 2022

Hav Clk / SD Brijesh Kumar Yadav **Applicant**
By Legal Practitioner for the Applicant : Col AK Srivastava (Retd), Advocate.
: Shri Amarendu Srivastava, Advocate.
: Ms. Hemlata, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri Sunil Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Sunil Sharma, Ld. Counsel for the respondents is present.</p> <p>No one is present on behalf of the applicant.</p> <p>Learned counsel for the respondents prays for and is granted four weeks' further time to file counter affidavit.</p> <p>List on 15.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p>

Ukt/-

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.9)

O.A. No. 356 of 2022

Ris Ramvir Singh Jurel (Retd) **Applicant**
By Legal Practitioner for the Applicant : Shri Veer Raghav Chaubey, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri Ashish Kumar Singh, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Ashish Kumar Singh, Ld. Counsel for the respondents is present.</p> <p>No one present on behalf of the applicant.</p> <p>In spite of availing several opportunities, neither applicant has filed rejoinder affidavit nor he is present in the Court. His opportunity to file rejoinder affidavit is closed.</p> <p>List on 17.03.2023 for final hearing.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: right;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.10)

O.A. No. 84 of 2023

Signalman Abhay Datt Tripathi **Applicant**
By Legal Practitioner for the Applicant : Mohd. Zafar Khan, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Mohd. Zafar Khan, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Learned counsel for the respondents prays for and is granted two days' time to file objection on maintainability of the case.</p> <p>List on 03.02.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
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ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.11)

O.A. No. 217 of 2017

Brijesh Kumar Pandey **Applicant**
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Maj Tarun V Pillai, Departmental Representative for the respondents are present.</p> <p>Learned counsel for the applicant submits that he is not prepared to argue the case today and prays for adjournment. Accordingly, the case is adjourned.</p> <p>List on 02.03.2023.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.12)

O.A. No. 241 of 2018

Anju Singh

By Legal Practitioner for the Applicant : Shri Yashpal Singh, Advocate.

Applicant

Versus

Union of India & Others

By Legal Practitioner for Respondents : Ms. Appoli Srivastava, Advocate

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Ld. Counsel for the applicant and Ms. Appoli Srivastava, Ld. Counsel for the respondents are present.</p> <p>Learned counsel of both the parties are directed to submit their written arguments by the next date fixed.</p> <p>List on 16.03.2023.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.13)

O.A. (A) No. 399 of 2021 with M.A. No. 449 of 2022

Ex Nk Radhey Shyam Yadav

Applicant

By Legal Practitioner for the Applicant : Shri Sudhir Kumar Singh, Advocate.

Versus

Union of India & Others

Respondents

By Legal Practitioner for Respondents : Shri RC Shukla, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh, Advocate, holding brief of Shri Sudhir Kumar Singh, learned counsel for the applicant and Shri RC Shukla, Ld. Counsel for the respondents are present.</p> <p>As prayed by Shri Yashpal Singh, list on 20.03.2023 for final hearing.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.14)

R.A. No. 19 of 2019 with M.A. No. 211 of 2021
Inre: T.A. No. 1257 of 2010

Ex Hav RD Tripathi

By Legal Practitioner for the Applicant

Applicant

: Shri Yashpal Singh, Advocate.

: Shri Shiv Kant Pandey, Advocate.

Versus

Union of India & Others

By Legal Practitioner for Respondents

Respondents

: Shri Namit Sharma, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Yashpal Singh and Shri Shiv Kant Pandey, Ld. Counsel for the applicant and Shri Namit Sharma, Ld. Counsel for the respondents are present.</p> <p>Learned counsel of both the parties are directed to file their written submissions by the next date fixed.</p> <p>List on 20.03.2023.</p> <p>(Maj Gen Sanjay Singh) Member (A)</p> <p>(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.15)

T.A. No. 41 of 2017

Sushil Kumar Rangawa **Applicant**
By Legal Practitioner for the Applicant : Col Ashok Kumar (Retd), Advocate.
: Shri Rohit Kumar, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri Amit Jaiswal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rahul Pal, Advocate, holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Maj Tarun V Pillai, Departmental Representative for the respondents are present.</p> <p>Shri Rahul Pal submits that his senior Shri Rohit Kumar is not available today and prays for adjournment of the case. Accordingly, the case is adjourned.</p> <p>List on 07.03.2023.</p> <p>On the date fixed, learned counsel for the respondents shall produce original documents pertaining to case for perusal of the Bench.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No.2 (Sl. No.16)

T.A. No. 700 of 2010 alongwith T.A. No. 699 of 2010
& T.A. No. 701 of 2010 (Decided)

Smt. Poonam Srivastava W/O **Applicant**
Anand Kumar Srivastava
(Deceased) & Others
By Legal Practitioner for the Applicant : Shri Rohit Kumar, Advocate.

Versus

Union of India & Others **Respondents**
By Legal Practitioner for Respondents : Shri DK Pandey, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>30.01.2023</u> <u>Hon'ble Mr. Justice Ravindra Nath Kakkar, Member (J)</u> <u>Hon'ble Maj Gen Sanjay Singh, Member (A)</u></p> <p>On the case being taken up for hearing Shri Rahul Pal Advocate, holding brief of Shri Rohit Kumar, Ld. Counsel for the applicant and Shri DK Pandey, Ld. Counsel for the respondents are present.</p> <p>It has been brought to the notice of the Tribunal that details of order passed in both the Transferred Applications are not available today, hence the case be adjourned. Learned counsel for the respondents has no objection. Accordingly, the case is adjourned.</p> <p>List on 06.03.2023.</p> <p style="text-align: center;">(Maj Gen Sanjay Singh) Member (A)</p> <p style="text-align: center;">(Justice Ravindra Nath Kakkar) Member (J)</p> <p>Ukt/-</p>